

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. 07-35M
12 v.)
13 XUAN VAN LAM,) DETENTION ORDER
14 Defendant.)
15)

Offense charged:

Count I: Conspiracy to Manufacture Marijuana, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A), and 846.

Date of Detention Hearing: January 26, 2007.

20 The Court, having conducted a contested detention hearing pursuant to Title 18
21 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
22 hereafter set forth, finds that no condition or combination of conditions which the defendant
23 can meet will reasonably assure the appearance of the defendant as required and the safety
24 of any other person and the community. The Government was represented by Douglas
25 Whalley. The defendant was represented by Howard Phillips.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The Court having reviewed the complaint for a probable cause determination on this defendant, finds that there is probable cause to believe the defendant committed the drug offense of conspiracy to manufacture marijuana for which the maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).

(2) Nothing in this record, however, satisfactorily rebuts the presumption against release for several reasons. Under Title 18 § 3142 (g), the Court considered the following:

- (a) The nature and circumstances of the offense. The alleged charge involves a narcotic drug and a conspiracy. It is alleged that numerous marijuana grow farms were being cultivated in as many as ten different houses. Additionally, these grow farms were inter-related and those arrested at the farms paid either rent or utilities at the location. The defendant is allegedly associated with the farm located at 14514 77th Avenue Court East, Puyallup, Washington.
- (b) The weight of the evidence. The warrant executed at the grow farm associated with this defendant is strong. Law enforcement found 623 plants of marijuana along with papers showing that the utilities were placed in the defendant's name. Authorities also found \$20,000 in U.S. currency believed to be proceeds from the illegal grow farm. The Defendant proffers that the \$20,000 is his savings from employment in Texas. Absent documentation, the

Court was unpersuaded.

(c) The history and characteristics of the defendant show that he has minimal ties to this district, having recently moved to Washington. Moreover, he appears only to be in this state because of his role in the instant offense.

(d) Risk of flight persists because Defendant has so few ties to this district yet access to large amounts of cash. Both are inherent in the illegal movement and manufacture of marijuana.

9 Based upon the foregoing information, there is no condition or combination of
10 conditions that would reasonably assure future Court appearances and/or the safety of
11 other persons or the community.

It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

1 (4) The clerk shall direct copies of this order to counsel for the United
2 States, to counsel for the defendant, to the United States Marshal, and to
3 the United States Pretrial Services Officer.

4 DATED this 29th day of January, 2007.

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7 MONICA J. BENTON
8 United States Magistrate Judge
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